

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	<b>Case No. 6:21-CR-1-003</b>
<b>v.</b>	)	
	)	
<b>MAGGIE LEE SMITH</b>	)	
<b>also known as “Missy”</b>	)	

**Unopposed Motion to Dismiss Defendant Maggie Lee Smith From  
Counts 3, 22 and 23 of the Fourth Superseding Indictment**

The United States, by and through its counsel, hereby moves, pursuant to Federal Rule of Criminal Procedure 48(a), and by leave of the Court, to dismiss, *without prejudice*, Defendant Maggie Lee Smith from Counts 3, 22, and 23 of the Fourth Superseding Indictment. In support of this motion the United States notes in support the following.

1. On August 25, 2021, a grand jury in the Western District of Virginia returned a Fourth Superseding Indictment charging Maggie Lee Smith with conspiracy to distribute and possess with intent to distribute 500 grams or more of cocaine, marijuana, and cocaine base, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B) (Count 1); possession with intent to distribute 500 grams or more of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) (Count 3); distribution of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) (Count 4); and possession with intent to distribute cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) (Count 5); obstruction of justice, in violation of 18 U.S.C. § 1503 (Count 22); and tampering with proceedings, in violation of 18 U.S.C. § 1512(c)(2) (Count 23). Fourth Superseding Indictment, ECF No. 253.

2. On August 8, 2022, Maggie Lee Smith pleaded guilty to Counts 1, 4, and 5. ECF No. 490. At the time of her plea hearing, Smith indicated to the Court she intended to proceed to

trial on Counts 3, 22, and 23 of the Fourth Superseding Indictment.

3. The trial of *U.S. v. Storey*, et al, Case No. 6:21-CR-1, which currently includes defendant Smith, is currently set for trial commencing on August 29, 2022, in Lynchburg, Virginia. At the present time, Smith and three defendants have elected to proceed to trial.

4. Rule 48(a) of the Federal Rules of Criminal Procedure states that “[t]he government may, with leave of court, dismiss an indictment.” The United States is moving for the dismissal of the noted counts for purposes of trial efficiency.

5. The United States has conferred with counsel for defendant Smith and he has no objection to this Motion.

Accordingly, the United States requests leave of the Court to dismiss Counts 3, 22 and 23 of the Fourth Superseding Indictment as to defendant Maggie Lee Smith without prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for defendants.

s/Ronald M. Huber  
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Assistant United States Attorney